

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**JAMES THOMAS MCBRIDE**

[ **Case # 1:14-CR-175**

[ **Judge Anthony Trenga**

**James Thomas McBride**

**Third Party Intervener Real Party In Interest**

**MOTION FOR PRELIMINARY INJUNCTION and EXPIDITED HEARING**

Now comes James Thomas McBride, Real Party in Interest, Third Party Intervener, DEFENDANT by Mistake seeking Preliminary Injunction barring the municipal corporation UNITED STATES OF AMERICA, Plainitff, and its various sub corporation STATES, Agencies and/or Agents from prosecuting or detaining James Thomas McBride for prosecution of their alleged claims against him failing to **immediately:**

- Prove subject matter jurisdiction in fact, by producing a valid contract entered into knowingly, willingly and with full disclosure which binds James Thomas McBride to the municipal corp.;
- Produce any/all documentation they may have to dispute the **fact** that James Thomas McBride is the Keeper of the Seal of Saint Peter with the full power and authority of the Office of the Chair of Saint Peter;
- Show Cause as to why the Custodian of the Alien Property has labelled James Thomas McBride as an 'Enemy Combatant' under the Trading With The Enemy Act [TWEA] yet is attempting to access his credit creating debt in the name of James Thomas McBride in the instant matter in violation of TWEA.

I, James Thomas McBride, Real Party In Interest, Third Party Intervener, DEFENDANT by Mistake, am the Keeper of the extraordinary Seal of Saint Peter with the full power and authority of the Office of the Chair of Saint Peter charged with restoring the peace in America. I stand in the Light. I stand on the truth. I operate under the white flag of peace.

The UNITED STATES OF AMERICA attacks my position and authority as the Keeper of the Seal of Saint Peter dragging me in shackles and chains before one private military tribunal to another operating under the Law of Necessity, or the law of gangsters, to gain inpersonum jurisdiction, failing subject matter jurisdiction in fact and refusing to produce any evidence to rebut the fact that I AM the Keeper of the Seal of Saint Peter with the full power and authority of the Office of the Chair of Saint Peter.

On September 12, 2013 Kenney Smith, FBI Agent and Head of the Federal Anti Terrorist Task Force and Michael Prodan, National Profiler and Agent of SLED, South Carolina Law Enforcement Division, promised to drag me from STATE to STATE, jurisdiction to jurisdiction, for detention and prosecution for operating as the Keeper of the Seal of Saint Peter, keeping me in detention and in the courts for the next 20 years whether they ever won a case against me for the purpose of shutting me up and shutting me down.

Case Number 1:14 CR 715 is the second prosecution in the furtherance of the promised malicious prosecution failing subject matter jurisdiction in fact; Failing to produce any documentary evidence to dispute the fact that I am the Keeper of the Seal of Saint Peter nor the authority of the Office of the Chair of Saint Peter.

Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." Courts are called upon to balance a plaintiff's claims of injury against the burdens to be imposed upon the defendant, and they must "pay particular regard for the public consequences in employing the extraordinary remedy of injunction."

A plaintiff seeking either a temporary restraining order or a preliminary injunction must establish each of the following elements: (1) the likelihood that the Plaintiff will succeed on the merits; (2) the likelihood of irreparable harm to the Plaintiff if the injunction is not granted; (3) that the balance of equities tips in his or her favor; and (4) that the injunction is in the public interest. *Winter v. Natural Res. Defense Council, Inc.*

### **PROVE SUBJECT MATTER JURISDICTION IN FACT**

In the U.S. District Court for the Eastern District of Virginia, Alexandria Division, Magistrate Davis claimed that the court was a constitutional court. If the alleged claim is to be adjudicated in an Article III Constitutional Court the Plaintiff must produce a corpus delicti and a valid claim of damages.

However, if the public record is correct and the Plaintiff UNITED STATES OF AMERICA is a municipal corporation masquerading as our government, then the Plaintiff MUST produce a valid contract entered into knowingly, willingly and with full disclosure which binds James Thomas McBride to specific performance.

The U.S. District Court for the Eastern District of Virginia, Alexandria Division has entered a Plea of NOT GUILTY, against all objections, effectively pleading to an assumed contract relieving the Plaintiff of their mandatory obligation to prove subject matter jurisdiction in fact. The Plaintiff, with the assistance of the court, attempts to ramrod past the objection and demand for production of a valid contract establishing subject matter jurisdiction in fact, thereby usurping subject matter jurisdiction. The court's actions, usurping subject matter jurisdiction, constitute overt acts of treason.

It is an accepted fact that the Plaintiff has a mandatory obligation to prove subject matter jurisdiction in fact upon objection and demand. It is further an accepted fact that the usurpation of jurisdiction is an overt act of treason.

The long standing public record establishes the evidence in fact that the Plaintiff is a municipal corporation masquerading as our government. The Clearfield Doctrine, International commercial law and the Law of Nations clearly establishes, in fact, that a municipal corporation, even one masquerading as a

government, must have a valid contract in order to compell specific performance.

James Thomas McBride, has spend 15 years identifying and voiding every adhesion contract between himself and the municipal corporation Plaintiff and its various franchised STATES and Agencies andf believes no valid contract exists which was entered into knowingly, willingly and will full disclosure which binds him to the Plaintiff.

James Thomas McBride, out of necessity, has a bank account, but, has an expressed objection attached to the signature card which expressly objects to and denies consent to any/all contracts, adhesion or otherwise, which may be attached thereto while holding the banking institution harmless.

It is clear that James Thomas McBride will prevail on the merits. The Plaintiff MUST prove subject matter jurisdiction in fact and that the issue of the Injunction could preclude the need for a trial and appeal.

James Thomas McBride will be irreparably injured by a denial of the Injunction. I have been robbed of my property including the priceless 850 year old Seal of Saint Peter. I have been robbed of my liberties for nine (9) months, and counting, failing subject matter jurisdiction. Denial of the injunction could mean the permanent loss of the priceless seal and subjected to years of involuntary servitude and slavery awaiting trial and appeal.

The burden placed on the Plainitff is negligable as they either have it or they do not and if they do have a valid contract then they should be able to produce it into evidence within 72 hours causing no delay in the case, yet, the Plaintiff refuses, or is unable to produce.

The Plaintiff's sub corporate STATE of SOUTH CAROLINA was unable to prove subject matter jurisdiction in fact in the preceeding unsuccessful prosecution and the Plaintiff UNITED STATES OF AMERICA cannot prove subject matter jurisdiction in fact either for no valid contract exists which binds James Thomas McBride to the municipal corporation Plaintiff.

It is clear that the balance of equity tips heavily in favor of James Thomas McBride, Real Party In Interest.

Denial of the Injunction would facilitate the usurpation of subject matter jurisdiction, an overt act of treason, contrary to the best interest of justice and contrary to the public interest. The Court has already shown a willingness to usurp jurisdiction through the use of threats and coercion in this matter.

Denial of the Injunction would establish the evidence in fact of the total breakdown of the system giving way to anarchy and vigilanti justice under the law of gangsters irreparably harming America, We the People of America, the people and nations of the world and lead to the total destruction of the municipal corporation UNITED STATES OF AMERICA.

### **IDENTITY HEARING**

Plaintiff continues to attack my position and the authority of the Office of the Chair of Saint Peter claiming evidence to rebut the fact that I am the Keeper of the Seal of Saint Peter endowed with the power and authority of the Offive of the Chair of Saint Peter, yet refuse to produce any evidence to support their claim.

The record establishes the evidence in fact that James Thomas McBride is the Keeper of the Seal of Saint Peter. endowed with the power and authority of the Office of the Chair of Saint Peter. Three federal

courts recognize and have acknowledged me as the Keeper of the Seal of Saint Peter yet the prosecution refuses to accept that while refusing to produce evidence to the contrary. The Postmaster General of the USPS delivers mail to me in the name of Ther Chair of Saint Peter.

In my capacity of Keeper of the Seal of Saint Peter I have authored and posted numerous 'Letters Patent' as well as thousands of letters issued on Office of the Chair of Saint Peter letterhead and bearing the Seal of Saint Peter which have been tendered to the Supreme Pontiff, the Roman Curia, the British Crown, and hundreds of Cardinals, Archbishops, Bishops and Jesuit Generals without a single objection or complaint.

Plaintiff has charged me with impersonating the Keeper of the Seal of Saint Peter yet was unable to produce any evidence to support their claim.

James Thomas McBride would be irreparably injured by a denial of the injunction effectively stripping me of my position and authority by brute force and fraud absent any evidence. Plaintiff has side stepped the issue unable to support their claim while robbing me of my property and liberty. Denial of the Injunction could continue to subject me to involuntary servitude and slavery causing irreparable injury.

Denial of the Injunction would facilitate the Plaintiff's malicious prosecution totally unsupported by facts.

Plaintiff's burden would be negligible as Plaintiff claims to possess a letter from the Vatican rebutting the facts. Either they have it or they do not. If they do they should be able to produce it into evidence within 72 hours causing no delay in the proceedings.

The evidence is clear and convincing that James Thomas McBride will prevail on the merits as the Plaintiff has been unable in the past to produce any evidence to rebut the facts in this matter. Three federal courts acknowledge me as the Keeper of the Seal of Saint Peter and the Plaintiff is unable to rebut the facts.

Issue of the Injunction would preclude the need for a trial and appeal and would be in the best interest of justice and the public interest by revealing truth and giving rise to transparency in government.

It is clear that the balance of equity tips heavily in favor of James Thomas McBride.

### **CUSTODIAN OF THE ALIEN PROPERTY**

The instant matter at hand is an action of Prize before a military tribunal under an Admiralty/ Maritime War Flag. The Plaintiff has seized my private property as booty under the Laws of War and Conflict and the Trading With The Enemy Act [TWEA] as Amended in 1939.

In Case No. 1:14 CR 715 the Plaintiff is attempting to access my credit, one more time, for the purpose of creating debt in my name in violation of TWEA.

At the instant of birth into this world I was labelled an 'Enemy Combatant' and 'Enemy Alien', absent any evidence or hearing, via the 1939 Amendment to TWEA. My status was placed as such on a list maintained by the U.S. Attorney General in his capacity as Custodian of the Alien Property. As a result of this incorrect status the United States has waged war against me and my property even though they access my credit, making me one of the super creditors to the United States, creating debt in my name to fund the day to day operations of their municipal corporation in violation of TWEA.

Engaging in financial transactions with the enemy in times of war or National Emergency is an act of

treason under TWEA.

At the time of my birth into this world my father had honorably served the United States in the Korean conflict and in Japan as a personal aid and driver for General McCarther. He was honorably discharged as a hero having risked his life for America and the United States.

As I reached the age of **21 days** of age the United States, having labelled me an 'Enemy Combatant', created a transmitting utility, represented by the birth certificate, to facilitate the flow of my credit to the United States as well as the return of the interest to source. The birth certificate establishes the evidence, in fact, that the United States has accessed my credit, creating debt in my name, thereby executing 'The Original Equity Contract' and charging their mandatory obligation to discharge all debt created in my name and returning the interest to source.

Today, due the my incorrect status as maintained by the Custodian of the Alien Property the United States has refused to discharge the debt created in my name and is holding the interest due me under the Laws of Prize.

In Case No. 1:14 CR 715 the United States, under the direction of the U.S. Attorney General, has seized my property under the guise of property of an enemy combatant while, once again, attempting to access my credit to create debt in my name while side stepping their mandatory obligations under 'The Original Equity Contract' in violation of TWEA.

I came into this world the son of a war hero. Without evidence or hearing I was labelled an enemy combatant. For 60 years the United States, under the direction of the U.S. Attorney General, has accessed my credit creating debt in my name. The U.S. Attorney General, in his capacity as Custodian of the Alien Property, has operated in violation of TWEA while refusing to discharge the debt created in my name and return the interest to source.

The municipal corporation United States cannot have it both ways. The U.S. Attorney General, in his capacity as Custodian, labelled me an enemy combatant, then in his capacity as Trustee for the United States, the U.S. Attorney General has accessed my credit creating debt in my name. Then again, in his capacity as Custodian, the U.S. Attorney General holds my property and interest as the property of an enemy.

The actions of the U.S. Attorney General are clearly in violation of TWEA, either intentionally as acts of treason or by mistake which must be corrected.

Issue of the Injunction would compel a correction of the records ending the perpetual war against James Thomas McBride by the Plaintiff or expose massive treason on an epic scale within the U.S. Attorney General's Office and the U.S. Treasury and would preclude the need for a trial and appeal and would end the restrictions on my liberties awaiting trial and appeal.

Denial of the Injunction would perpetuate the TWEA violations and make this court guilty of misprison of felony. Mistakes which violate TWEA become overt acts of treason once the mistake has been exposed and remains uncorrected by those with the power and authority to make and/or compel the corrections to be made. Denial of the Injunction would perpetuate the Plaintiff's war against James Thomas McBride causing irreparable injury. Treason irreparably harms all that it touches. Denial of the Injunction would irreparably injure America, We the People of America and the UNITED STATES OF AMERICA.

The Plaintiff has labelled me a domestic terrorist at birth yet the Plaintiff stands before the court today attempting to access my credit creating debt in my name in violation of TWEA contrary to the best

interest of justice and the public interest.

The public record is clear and convincing establishing that James Thomas McBride will prevail on the merits. The 1939 Amendment to TWEA labels all Americans enemy combatants. It is an established fact that the United States operates on the good faith and credit of We the American People.

Issue of the Injunction would have no negative impact on the Plaintiff if they can prove subject matter jurisdiction in fact and would not delay the proceedings; If the Plaintiff can produce any evidence to rebut the facts of my identity and would not delay the proceedings. Correcting the mistakes of status with the Custodian would end any need for a trial or expose massive treason on an epic scale.

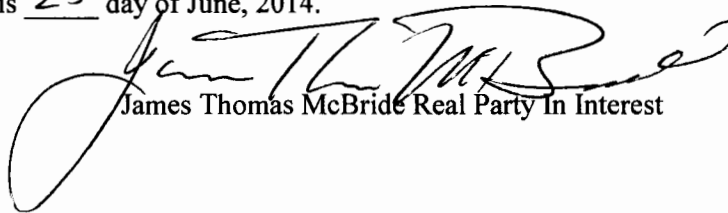
Denial of the Injunction would facilitate the continued malicious prosecution by rogue agents executing vigilanti justice contrary to the best interest of justice and the public interest. Denial would further facilitate the usurpation of jurisdiction, an overt act of treason.

It is clear that James Thomas McBride will prevail on the merits as the public record, star decisis and res judicata is his supporting evidence. The balance of equity tips heavily in favor of James Thomas McBride who will be irreparably injured by denial of the injunction. Issue of the Injunction would be in the public interest.

#### **EXPIDITED HEARING**

I request an expidited hearing, in the Nature of Habeas Corpus, to minimize the irreparable injury being caused and to prevent any futher acts of fraud and treason in this matter.

Signed and charged this 25<sup>th</sup> day of June, 2014.

  
James Thomas McBride Real Party In Interest